

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.:	10/715,162	Confirmation No.:	4105
Applicant(s):	Vesa Metsatahti et al.	Art Unit:	2166
Filed:	November 17, 2003	Examiner:	Usmaan Saeed
Title:	TIME BAR NAVIGATION IN A MEDIA DIARY APPLICATION		

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REPLY BRIEF UNDER 37 CFR § 1.193(b)(1)

This Reply Brief is filed in response to the Examiner's Answer mailed on October 20, 2008, the Examiner's Answer being in response to an Appeal Brief filed on July 19, 2008. This Reply Brief addresses several points raised by the Examiner's Answer.

7. ***Argument.***

As explained in the Appeal Brief at pages 6-13, Claims 1-18 are patentably distinct from the cited references, International Patent Application Publication No. WO 02/057959 A2 to Rothmuller *et al.* ("*Rothmuller*") and U.S. Patent Application Publication No. 2003/0009493 to Parker *et al.* ("*Parker*"), taken either alone or in combination. Accordingly, Appellants respectfully request that the rejections of these claims be reversed.

In reply to the Examiner's Answer, Appellants again submit that the combination of *Rothmuller* and *Parker* fails to teach or suggest each and every recited feature of the claimed invention. The Examiner's Answer is, in large part, simply a reiteration of the claim rejections offered in the final Official Action of March 31, 2008. As such, Appellants respectfully submit that since the Appeal Brief pointed out the flaws in the Examiner's reasoning with respect to these rejections, no further discussion of the issues previously addressed need be presented herein. Rather, Appellants will herein simply respond to the specific assertions from the "Response to Argument" section of the Examiner's Answer (pages 20-24).

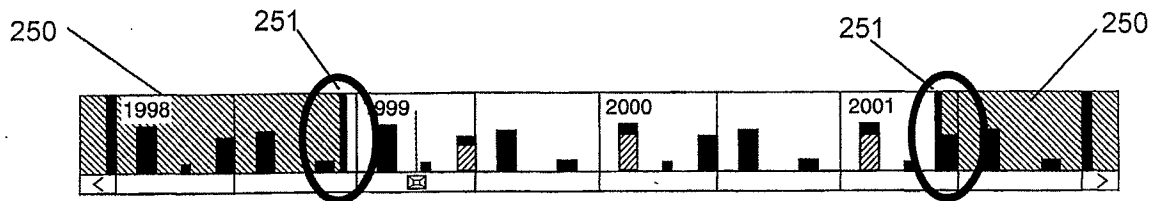
10. ***Response to Argument.***

The Examiner's Answer presented several arguments, and each of these is addressed below in separate sections bearing titles consistent with those used in the Examiner's Answer.

A. ***Arguments Regarding the Rejections of Independent Claims 1-11 and 13-18.***

Independent Claim 1 recites, *inter alia*, "a time bar that divides time into segments of unit time, each segment of unit time having a respective length along the time bar that depends upon the amount of media files associated with the respective segment of unit time." Independent Claims 11, 13, and 16 all include a recitation similar to "generating a time bar that divides time into segments of unit time, each segment of unit time having a respective length along the time bar that depends upon the amount of media files associated with the respective segment of unit time," as recited in Claim 1.

The Examiner's Answer references Fig. 3 from *Rothmuller* (reproduced below) and states:



First of all, the time bar shown above is divided into segments of time of years, six months and six months further are divided into segments of time. Six months are further divided into segments of time, which show graphs of how much media is associated with it. If there is no media associated with a segment of time there is no graph represented for that time period.

The bar graphs represented for certain segments of time show respective length/height, which is along the time bar for that segment of time and this respective

length/height represents the amount of media/photos associated with that time segment.

See pp. 22-23 of the Examiner's Answer. However, the statement by the Examiner that the "bar graphs represented for certain segments of time show respective length/height, which is along the time bar for that segment of time and this respective length/height represents the amount of media/photos associated with that time segment" is plainly incorrect. To clarify, the vertical bar graphs shown in Fig. 3 of *Rothmuller* are each associated with a respective time in the timeline, but are not segments of unit time that result from dividing the time associated with a time bar, as recited in the independent claims of the present application. As noted in the Examiner's Answer, the timeline in *Rothmuller* does have divisions representing unit times, those being the divisions related to six-month intervals.

Further, the vertical bar graphs shown in Fig. 3 of *Rothmuller* do not have respective lengths along the time bar that depend upon the amount of media files associated with the respective bar graph, as would the "segments of unit time" recited in the independent claims of the present application. Instead, the vertical bar graphs shown in Fig. 3 of *Rothmuller* have respective lengths transverse to the timeline that depend upon the amount of media files associated with the respective bar graph.

The Examiner's Answer continues...

Further, Parker teaches "**bar divided into segments of unit time and having length along the time bar**" as he number of histogram bins that can be clearly displayed and the desired start and end date of the histogram timeline, new date bin sizes are calculated. In step 238, a new histogram timeline is generated with the modified bin sizes. Finally, in step 240, the modified histogram timeline with more visible bin size is displayed (**Parker Paragraph 0048 and Figure 6F-6G**).

See p. 23 of the Examiner's Answer. In other words, bin sizes in *Parker* are determined based on the number of bins to be displayed to the user, and are uniform for all of the displayed bins,

rather than being based on the number of media files associated with each particular bin along the lines of the recitations of the independent claims of the present application.

The Examiner's Answer goes on, referencing Fig. 6G of *Parker* (reproduced below):

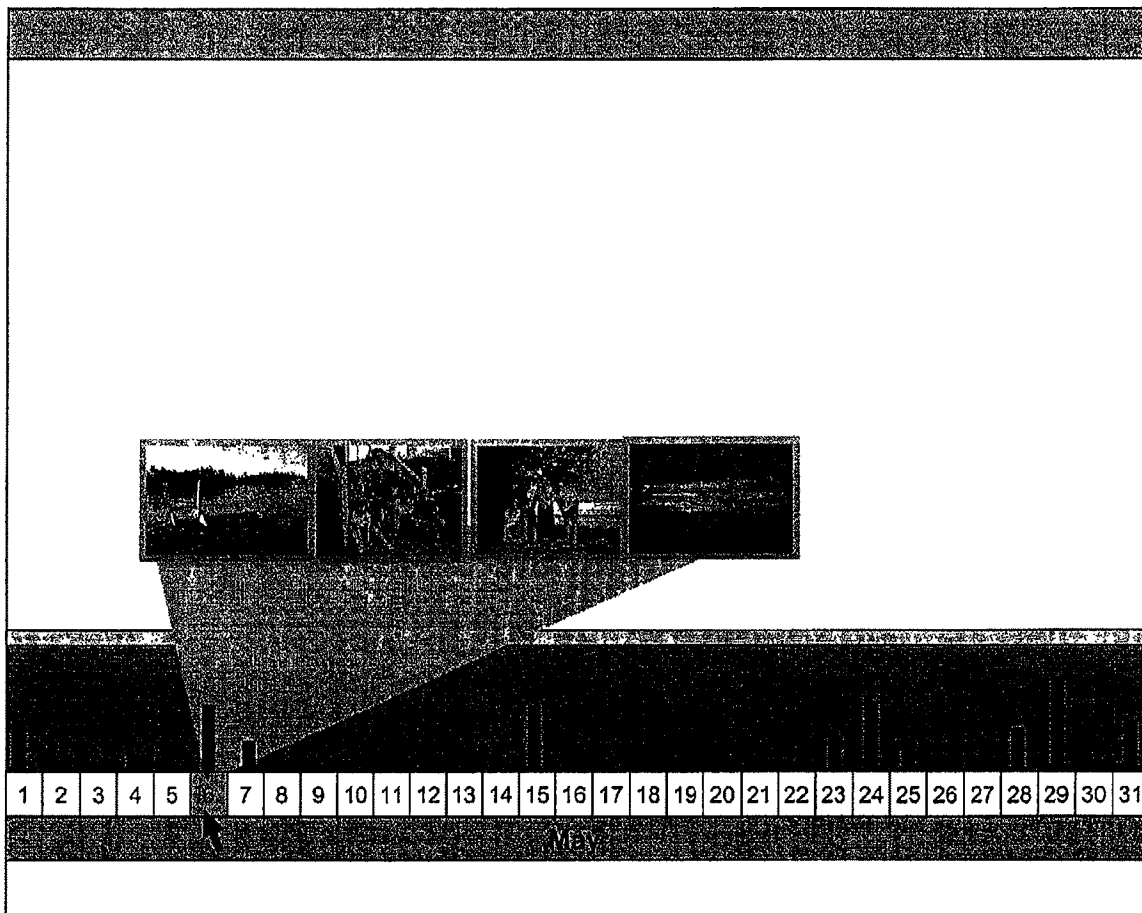


Figure 6G shows the bar graph with day as being a unit of time. The bar graphs represented for certain day shows respective length/height, which is along the time bar for that day/segment of time and this respective length/height represents the amount of media/photos associated with that day/time segment.

See p. 24 of the Examiner's Answer. Again, the above statement is plainly wrong. The bar graphs of *Parker* (i.e., the bars rising vertically from each of the boxes numbered 1, 2, 3...) are

not “along the time bar” as asserted by the Examiner, but are transverse to the histogram timeline shown in the figure, as is typical for a conventional histogram timeline as disclosed by *Parker*.

The Examiner’s Answer also states:

Figure 6G further show may 6th as segment of time and may 6th as having respective length (sideways or horizontal) which depends on the number of thumbnails associated with may 6th. Therefore clicking on may 6th/segment of time provides a respective length along the time bar which depends on the amounts of media files associated that segment of time.

Id. The Examiner appears to be referring to the “thumbnail or iconic representations” (*i.e.*, the thumbnail images that seem to be projected from the box labeled “6” in the timeline into the large white area above the timeline) that are presented when a user selects a specific day in the histogram timeline. See ¶ [0042] of *Parker*. However, these thumbnail representations are in no way segments of unit time that result from dividing the time associated with a time bar, as recited in the independent claims of the present application. Instead, these are simply representations of the media files associated with a portion of the timeline and presented as a supplement to the timeline.

B. Arguments Regarding the Rejection of Dependent Claim 12.

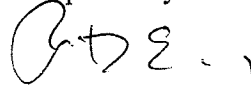
Appellants had previously noted that Claim 12 stands rejected as being obvious over *Rothmuller*, taken alone, while Claim 11, from which Claim 12 depends, stands rejected as being obvious over *Rothmuller* taken in combination with *Parker*, and had further noted the inconsistency between these positions. The Examiner’s Answer fails to address this argument. Appellants therefore respectfully submit that the rejection of Claim 12 has been traversed.

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CONCLUSION

For at least the foregoing reasons, as well as those presented in the Appeal Brief, Appellants respectfully request that the rejections be reversed.

Respectfully submitted,



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